

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

JAMES EDWARD SCOTT, III,

Case No. 3:23-cv-00269-MMD-CLB

Plaintiff,

v.

ORDER

MELISSA MICHELL, *et al.*,

Defendants.

Pro se Plaintiff James Edward Scott, III, ("Scott"), formerly an inmate in the custody of the Nevada Department of Corrections, brings this action under 42 U.S.C. § 1983 against Defendants Melissa Michell and the Nevada Department of Corrections, alleging he was retaliated against for seeking medical treatment. (ECF No. 1-1.) Before this Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Carla Baldwin (ECF No. 27), recommending the Court grant Defendants' motion for summary judgment (ECF No. 24). Scott had until July 16, 2025, to file an objection to the R&R. (ECF No. 27.) To date, Scott has not filed an objection. For this reason, and as explained below, the Court adopts the R&R in full, and grants Defendants' motion for summary judgment.

Because there is no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations."); Fed. R. Civ. P. 72, advisory committee note to 1983 amendment (providing that the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation").

1 Here, Defendants argue summary judgment should be granted in their favor
2 because (1) Scott failed to exhaust his administrative remedies; and (2) Defendants are
3 entitled to qualified immunity. (ECF No. 24.) Scott failed to file an opposition by the
4 deadline, and on May 28, 2025, the Court *sua sponte* extended Scott's deadline to
5 oppose Defendants' motion. (ECF No. 26.) Scott still has not opposed Defendants'
6 motion. In the R&R, Judge Baldwin recommends granting Defendants' motion for
7 summary judgment because Defendants met their burden to establish that Scott had
8 failed to exhaust his administrative remedies before filing this action, and Scott did not
9 oppose Defendants' motion and thus does not demonstrate a genuine dispute of material
10 fact as to whether he properly exhausted the available administrative remedies. (ECF No.
11 27 at 8-9.) The Court agrees with Judge Baldwin, and will adopt her recommendation.

12 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
13 No. 27) is accepted and adopted in full.

14 It is further ordered that Defendants' motion for summary judgment (ECF No. 24)
15 is granted.

16 The Clerk of Court is directed to enter judgment accordingly and close this case.

17 DATED THIS 25th Day of July 2025.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

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